

ratio in the blood serum, comprising a formula diet wherein essentially all of said dietary fat which accounts for between 15% and 45% of the total dietary energy in said [liquid] formula diet, is provided by a blended fat composition containing one part by weight polyunsaturated fat and at least one part by weight cholesterol-free saturated fat, wherein said blended fat composition comprises linoleic acid and at least one saturated fatty acid selected from the group including lauric acid, myristic acid, and palmitic acid, said linoleic acid constituting between 15% by weight and 40% by weight of said composition and said saturated fatty acid constituting between 20% and 40% by weight of said composition.

REMARKS

Applicants have amended the claims to meet the rejection under 35 USC § 112 with regard to the preamble and antecedent basis. The basis for these amendments are provided in the specification at page 5.

The appendix has been deleted as requested by the Examiner and a reference to the corresponding later publication is provided. Applicant believes that this removes the requirement for the appendix.

The claims were rejected under 35 USC § 103 as allegedly unpatentable over Bailey's. The Examiner indicates that Bailey's describes the composition of peanut oil and states that it would be obvious to consume peanut oil and then determine the particular HDL and cholesterol content of human serum. This rejection is respectfully traversed.

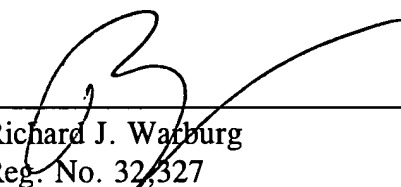
The claims have been amended to specifically indicate those particular saturated fatty acids which should be present in the dietary fat to achieve the result desired in each of the claims. Peanut oil does not achieve such a result. This is made clear in the accompanying publication of Ghafoorunissa et al., *Lipids*, Vol. 30, No. 12, 1995. Specifically this publication indicates that a dietary switch from a saturated fatty acid-rich palm olein diet to a polyunsaturated rich-peanut oil diet (or vice-versa) does not change the HDL and LDL levels or their ratios. Applicant notes that peanut oil contains a total of only 6% to 10% of palmitic, myristic and lauric acids which is too low a saturated fatty acid concentration to obtain the effects presently claimed. The levels of the stearic and arachidic fatty acids do not contribute. The present claims indicate that the palmitic, myristic and lauric acid must constitute between 20% and 40% by weight of the daily dietary fat. The art cited does not provide any such indication and thus fails to achieve the result desired in the present invention.

Applicant invites the Examiner to telephone the below-signed attorney to aid in advancing the above-captioned application to allowance.

Accordingly, the claims are in condition for allowance and a notice to that effect is respectfully requested. No fee is believed due in connection with this response. If any fee is due, please charge Deposit Account No. 12-2475.

Respectfully submitted,

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